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**Montana Fish,
Wildlife & Parks**

Montana Fish & Wildlife Commission

MINUTES

Montana Fish and Wildlife Commission Meeting

FWP Headquarters
1420 East 6th Avenue, Helena, MT

August 7, 2014

Commission Members Present: Richard Stuker Vice-Chairman, Gary Wolfe
Matthew Tourtlotte via Region 5 Video Conference
Dan Vermillion, Chairman via telephone

Fish, Wildlife & Parks Staff Present: Jeff Hagener, Director and FWP Staff.

Guests: August 7, 2014 - See Commission file folder for sign-in sheet.

Topics of Discussion:

1. Call to Order and Pledge of Allegiance
2. Approval of Minutes of July 10, 2014 Commission Meeting
3. Approval of Commission Expenses
4. Commission Reports
5. Director's Report
6. Water Supply Update
7. 2015 Annual Fishing Regulations – Proposed
8. Commercial Use Rules – Final
9. Pine Grove Pond FAS Temporary Construction Closure – Final
10. Long Creek Instream Flow Acquisition – Endorsement
11. South Billings Bridge FAS Acquisition – Endorsement
12. 2014 Early Season Migratory Bird Regulations – Final
13. Selection of Organizations to Auction 2015 Moose, Sheep, Goat, Deer & Elk Licenses – Final
14. 2014-2015 Bison Hunter Requirements and Roster Use – Final
15. 2014 Late Season Migratory Bird Regulations - Proposed
16. Annual Review & New Annual Work Plans for Elk Management Guidelines in Areas with Brucellosis - Proposed
17. Right Of Way Easement Sale to Montana Department of Transportation along Hwy 569 on Mt. Haggin WMA - Final
18. Buffalo Coulee Conservation Easement – Final
19. Public Comment – For Issues Not On This Agenda

1. Call to Order - Pledge of Allegiance

Chairman Vermillion called the meeting to order at 8:33 a.m. and led the Pledge of Allegiance.

Chairman Vermillion asked Vice-Chairman Stuker to conduct the meeting.

2. Approval of Minutes of July 10, 2014 Commission Meeting

Action: Commissioner Wolfe moved and Chairman Vermillion seconded the motion to approve the July 10, 2014 minutes with the agreed changes. Motion carried.

3. Approval of Commission Expenses

Action: Commissioner Stuker moved and Commissioner Vermillion seconded the motion to postpone the approval of the Commission expenses until the August 26, 2014 Commission conference call meeting. Motion Carried.

4. Commission Reports

Commissioner Wolfe reported he attended the Montana Outdoor Legacy Foundation's Grizzly Bear Rendezvous fundraiser held at Jack Hanna's farm in Bigfork; very successful; supports FWP grizzly bear conflict work and cabinet yak augmentation project. Attended the Western Association of Fish and Wildlife Agencies (WAFWA) annual meeting in San Antonio, Texas; a lot of common concerns; good discussions on mule deer; Arizona is making technological advances on their website and licensing

system, very interesting. Received calls on the wolf stamp proposal, public hearing set for August 14; calls from hunters in the bitterroot and west fork stating antlerless deer and elk is still too liberal, encouraged to call local biologist; Stage 1 Fire Restrictions in certain areas in Region 1 and 2; approved a game damage hunt for the Thompson Falls area.

Commissioner Tourtlotte stated he has received calls on the wolf stamp; good fishing season, waters are warming up; a few Stage 1 Fire Restrictions, expecting additional restrictions; received emails concerning a fencing issue on Durfee Hills.

Chairman Vermillion reported a landowner who has an easement across the Boulder Forks Fishing Access Site (FAS) and has been infringing on sportsmen's right to hunt and fish; the Department has done a great job dealing with the situation; very appreciated. Encourages the Department to move forward with the wolf stamp; strongly supports; innovative approach to solving the conundrum with nonconsumptive users as a funding source. Conversations regarding Durfee Hill, fence is being constructed but no indication it will impede wildlife movement; correspondence regarding the 2015-2015 brucellosis work plan, strong support from Paradise Valley.

Vice-Chairman Stuker reported he attended a Public Land Public Wildlife (PL/PW) meeting in Helena; moving forward with several recommendations; recommending to the Governor to appoint and fund a committee with representatives from Montana Association of Counties (MACo), FWP, Forest Service (FS), Bureau of Land management (BLM) and Department of Natural Resources and Conservation (DNRC) to map all legal public access in the state; big task but will be beneficial to all involved; will help prevent lawsuits. Attended bison discussion meeting in Billings; good discussions and public comment; meeting again in October. Approved B deer licenses for Region 4; Smith, Sun and Dearborn Rivers are under hoot owl closures effective August 8; receiving correspondence on wolf stamp, mostly opposition; Stage 1 Fire Restrictions are in effect; received emails asking why FWP is not protecting whitetail does in Region 6.

5. Director's Report

Director Hagener stated he attended the WAFWA summer meeting, heavily dominated by endangered species issues, discussed funding for nongame issues from nonconsumptive users; wolf stamp public hearing will be held on August 14 at all Regional offices; Bison meeting was positive, trying to move forward with reasonable considerations; Tri-State meeting will be held in Ennis August 12 and 13; Commission teleconference call is scheduled for August 26; continuing communications with the Wilks brothers, have been receptive to look at options for public access.

6. Water Supply Update

Bruce Rich, Chief of Fisheries stated it continues to be dry in the Upper Missouri drainage above Canyon Ferry; driest spot in the state. Hoot owl restrictions are taking effect on the Dearborn, Smith and Sun Rivers; Bighorn River flows are lower than preferred. (Gave brief explanation on hoot owl restrictions)

7. 2015 Annual Fishing Regulations – Proposed

Bruce Rich, Chief of Fisheries stated the Commission has authority to make changes to FWP fishing regulations. The process for reviewing and amending fishing regulations is based on a four-year cycle; the first year of each cycle is to actively solicit ideas for changes from the public; during off cycle years, ideas are only solicited internally from FWP biologists, fish managers and enforcement personnel. Regulation changes are proposed to the Commission during off-cycle years only if they meet certain criteria: achieve enforcement needs, provide clarification, important for species conservation, removing regulations no longer relevant, or fulfill direction provided in management plans. 2015 is an off-cycle year; the next year with full public involvement will be 2016. FWP will conduct a 30-day public comment period and prepare recommendations for final changes and present them at the October Commission meeting. FWP's recommendations for 2015 fishing regulation changes are:

- Missouri River, Toston Dam to Canyon Ferry Reservoir: change walleye bag limit to 12 daily, only 1 over 25 inches; possession limit is twice the daily limit; consistent with the limit for Canyon Ferry Reservoir.
- Holter Reservoir: liberalize bag limit for yellow perch from 25 to 50 daily and no possession limit.
- Lake Mary Ronan: remove bag limit for northern pike and allow for spearing.

Action: *Commissioner Wolfe moved and Commissioner Vermillion seconded the motion that the Commission approve the recommended changes to the 2015 fishing regulations and instruct FWP to solicit comments from the public.*

Vice-Chairman Stuker asked for public comment.

JW Westman, Laurel Rod and Gun Club (LRGC), supports the proposal and removing invasive species.

Chairman Vermillion stated he had a meeting via telephone with Bruce Rich and Region 1 acting supervisor Jim Williams to discuss standardizing regulations with Confederated Salish and Kootenai Tribes (CSKT) and the Department for Flathead Lake; relationships are rebuilding; regulations were not completed in time to take action at this time.

Action on Motion: *Motion passed.*

8. Commercial Use Rules – Final

Charlie Sperry, Responsive Management Supervisor stated at the April Commission meeting, in conjunction with the Parks and Recreation Board, amendments to the Commercial Use Administrative Rules for all FWP land, including fishing access sites (FAS), wildlife management areas (WMA), and state parks were proposed. The proposed amendments include:

- FAS Permit would only be required at FAS and no longer required at state parks that provide access to water.
- Restricted Use Permit would be renamed Commercial Use Permit.
- New rule to list the causes for suspending or revoking a commercial use permit.
- Eliminate requirement individual photographers obtain a permit.
- Require commercial permit holder to donate all proceeds from an activity or event, minus expenses, to qualify for a fee adjustment.

FWP recommends the Commission, in conjunction with the Parks Board, adopt the rules as proposed with one change, amend New Rule I to remove the term “repeated” from the list of causes for suspending or revoking a permit; this change is recommended by the Enforcement Division, which noted that there may be violations that are egregious enough to warrant a suspension or revocation without repeated occurrences. Six public comments were received; five in support and one opposed.

Action: Commissioner Wolfe moved and Commissioner Tourtlotte seconded the motion that the Commission adopt the amendments to the commercial use administrative rules as proposed with the change recommended by FWP pending adoption by the State Parks and Recreation Board.

Commissioner Wolfe and Becky Dockter, Chief Legal Counsel discussed future regulations allowing guides to collect fees on behalf of outfitters.

Chairman Vermillion directed the Department to move forward to promulgate a 2015 rule allowing guides to receive traceable payments on behalf of outfitters; need to be in effect for the 2015 fishing season.

Vice-Chairman Stuker concurred with Chairman Vermillion’s directive.

Vice-Chairman Stuker asked for public comment.

Robert Cunningham, Fishing Outfitters Association/Board of Outfitters Chairman, can find a satisfactory solution.

Action on Motion: Motion passed.

Chairman Vermillion asked for a timeline on the new rule.

Sperry stated it would be completed by the 2015 fishing season.

9. Pine Grove Pond FAS Temporary Construction Closure – Final

Bruce Rich, Chief of Fisheries explained Pine Grove Pond is a popular FAS in Region 1; the gravel road and parking lot receives high use and the road suffers erosion during the snow melt period; a paved trail wraps around half of the pond. The Flathead Valley community donated resources to put a crushed asphalt surface on the road, parking area and dirt trail around half of the pond. LHC, Inc. donated four side-dumper trucks to transport the 1,000 yards of asphalt millings donated by the City of Kalispell; Walleyes Unlimited administers the Flathead Electric Coop grant who donated \$9,000 from their Roundup for Safety Program to cover the fuel costs so the Flathead Valley Community College (FVCC) heavy equipment class can assist in the transport of materials and lay down the asphalt surface;; site donor Robin Street helped coordinate the project. FVCC will complete the project in one to two weeks in August as temperatures rise to allow the millings to be applied and the site will need to be closed during this period to allow heavy equipment to do the work without conflicting with public use or creating public safety concerns.

Action: Commissioner Wolfe moved and Commissioner Tourtlotte seconded the motion that the Commission temporarily approve to close the Pine Grove Pond FAS during the 2014 paving project as directed by the Department.

Vice-Chairman Stuker asked for public comment.

Action on Motion: Motion passed.

10. Long Creek Instream Flow Acquisition – Endorsement

Bruce Rich, Chief of Fisheries explained in 2010, FWP found Arctic grayling present in Long Creek, a tributary to the Red Rock River, upstream of Lima Reservoir and believed to have been extirpated from the creek. During the summer and into the early fall, dewatering due to irrigation withdrawals negatively impacts stream flow in Long Creek, which negatively impacts the fishery. The Nature Conservancy (TNC) owns land along the creek and is irrigated by the most senior water right. Over the past four years, TNC and FWP have monitored streamflow and groundwater levels to assess the potential benefits of changing irrigation water rights to instream flow. The benefit appears to be continuing irrigation during the spring and early summer to preserve agricultural production and irrigation

return flows that benefit Long Creek later in the summer, changing the portion of the water rights used later in the summer and early fall to instream flow during the time when dewatering is most severe. FWP has statutory authority to temporarily change leased water rights to instream flow or permanently change water rights owned by FWP to instream flow. TNC has discussed the possibility of changing its existing water rights to instream flow with neighbors on Long Creek. The water right acquisition agreement would be subject to final Commission approval at which time the public would have an opportunity to comment. In order to change a portion of the water right to instream flow, FWP must make application to DNRC; the application would be noticed to the public for comment and DNRC would conduct an environmental review of the proposed change.

Action: *Commissioner Wolfe moved and Commissioner Tourtlotte seconded the motion that the Commission approve FWP to negotiate a water-right acquisition agreement with TNC for irrigation water rights along Long Creek, subject to final approval by the Fish and Wildlife Commission.*

Chairman Vermillion thanked the Department and TNC for agreeing to work on the acquisition; great opportunity to help protect Arctic grayling.

Vice-Chairman Stuker concurred with Chairman Vermillion's comment.

Vice-Chairman Stuker asked for public comment.

Glenn Hockett, Gallatin Wildlife Association (GWA), supports negotiations; need to improve the riparian area along long creek.

Action on Motion: *Motion passed.*

11. South Billings Bridge FAS Acquisition – Endorsement

Bruce Rich, Chief of Fisheries explained the approximately 10.5-acre Yellowstone River property is 7.3 miles downstream from Duck Creek Bridge FAS and 6.5 miles upstream of the East Bridge FAS south of Billings. Billings Riverfront Park is located across the river but due to the river's configuration there is no good boat access. This section of the river has been selected by the American Rivers West Blue Trails program to promote recreation opportunities on rivers with a strong urban interface. A strong community group consisting of city, state and federal government agencies and educators is developing around this program. The concept of this program is to select a section of river to be adopted by a local community that is dedicated to improving family-friendly river recreation activities conserving natural resources, and building the river community. This potential access site has been presented to this group, and it appears likely that promoting this site as a public access in the Billings area may become their first major project and a strong potential for this organization to contribute towards funding of the acquisition. If the Commission chooses to endorse this project, FWP will begin a review of environmental considerations and a 30-day public comment period; information from this process will be shared with the Commission when seeking final approval for acquisition.

Action: *Commissioner Tourtlotte moved and Commissioner Wolfe seconded the motion that the Commission authorize FWP to pursue acquisition of the South Billings property for a Fishing Access Site.*

Commissioner Wolfe asked if the site is for sale and are there other partners that would participate and help with funding.

Bob Gibson, Region 5 Information Officer stated the site has been offered, with the purchase of the site the Department would consider a partnership with a number of entities with interest in this stretch of the river.

Vice-Chairman Stuker asked for public comment.

JW Westman, LGRC, supports acquisition proposal.

Action on Motion: *Motion passed.*

12. 2014 Early Season Migratory Bird Regulations – Final

Quentin Kujala, Wildlife Management Section Chief stated the final proposal is unchanged from the tentative proposal (see minutes from the July 10, 2014 Commission meeting). Public comment ran through 5 p.m. August 4.

Action: *Commissioner Wolfe moved and Commissioner Tourtlotte seconded the motion that the Commission adopt the final 2014 early season migratory bird seasons as presented by FWP.*

Action on Motion: *Motion passed.*

13. Selection of Organizations to Auction 2015 Moose, Sheep, Goat, Deer & Elk Licenses – Final

Hank Worsech, Licensing Bureau Chief explained ARM 12.3.131 & 12.3.132 establishes the criteria and process for selecting conservation organizations to conduct the moose, sheep, goat, mule deer and elk license auctions/lotteries. FWP solicited proposals to conduct the auctions/lotteries. Interest in obtaining and aggressively auctioning these licenses has remained high among these

responding conservation organizations and many of these conservation organizations have effectively partnered with FWP on other conservation and management efforts. The Commission decides which organization is awarded the license(s) for distribution through auction or lottery and auctioned at fund raising events. The 2014 species auction licenses were awarded to: Mule Deer Foundation (MDF)–mule deer, Rocky Mountain Elk Foundation (RMEF)–elk and moose, Safari Club International Great Falls (SCIGF)–mountain goat, Wild Sheep Foundation (WSF)–bighorn sheep. A press release and notice on the FWP website for solicitation of interested organizations were completed this year. A letter of solicitation was sent to cooperators that expressed interest. Responding proposals for 2015 licenses came from the following: Montana Ducks Unlimited (DU) – moose, MDF–mule deer and elk, RMEF–elk and moose, WSF–bighorn sheep, SCIGF mountain goat, Safari Club International San Francisco (SCISF)–elk, mule deer and moose, mountain goat, Safari Club International Montana (SCIMT)–moose and mountain goat and Rocky Mountain Goat Alliance (RMGA)–mountain goat.

Robert Sanders, DU, strong and significant linkage between DU and moose habitat conservation; numerous projects within Montana; DU portion of the monies raised will be kept in Montana and used for on the ground conservation.

Jim Daugherty, DU Volunteer Chairman, will auction off the tag at the Helena event; will have prior sealed and phone-in bids the night of the auction; anticipate \$20,000 – \$25,000 gross through fund raising efforts; will be used to conserve wetlands.

Commissioner Wolfe asked would the 10% that DU is allowed to keep be redirected to on the ground wetland conservation projects rather than administrative purposes; 100% of the sale would be used for on the ground conservation.

Daugherty state yes; 100% of the sale would be used for on the ground conservation; other resources will be used for administrative costs.

Worsech stated per statute, the organizations may only retain 10% to cover reasonable auction expenses for hosting the auction, not conservation. If the organization can not cover under reasonable expenses, they have to give the money back to the Department.

Sanders stated DU would give back 100%, if the 10% was not retainable.

Marshall Johnson, MDF Regional Director, MDF will sell the tag at the National Convention in February 2015. Past couple years the tag has generated close to \$75,000; 90% is given back to FWP for mule deer habitat projects and/or studies; MDF financially supports youth activities and contributes to other projects with different agencies.

Chairman Vermillion, Commissioner Tourtlotte, Commissioner Wolfe, Director Hagener and Johnson had a lengthy discussion on past and future MDF auctions and children activities.

Jared Wold, Regional Director RMEF, tag will be auctioned off at the Hunters Rendezvous in Tucson, AZ; 2014 elk tag sold for \$30,000, moose tag sold for \$21,000; will return 100% of the proceeds to FWP.

Commissioner Wolfe thanks RMEF for returning 100% of the proceeds to FWP.

Jim Weatherly, WSF Executive Director, WSF has auctioned off the sheep tag since 1983 and have returned \$4.8+ million to the State of Montana; have allocated \$72,500 to be spent on projects in 2014; if granted, the 2015 tag will be auctioned at the Reno Sheep Show in January.

Brad Lencioni, President SCIGF, hands on and contributed \$18,500 for two mountain goat projects; 70% of funds received at all banquets stay in Montana; tag would be auctioned at the March 15, 2015 annual banquet.

Tex Janeck, SCIMT, promotes hunter rights, education and hunting all species; donates to hunters education; work closely with FWP Region 5 on different activities; will have online bidding capabilities for world-wide bidding; will return 100% of proceeds to FWP.

Commissioner Wolfe asked if both SCI chapters are independent.

Janeck reported they are separate chapters but belong to the National SCI.

Chairman Vermillion stated since SCISF and RMGA are not in attendance, they should be eliminated from the selection process.

Chairman Vermillion, Commissioner Tourtlotte, Commissioner Wolfe, Janeck and Lencioni had a lengthy discussion on the two SCI chapters.

Action: Commissioner Tourtlotte moved and Commissioner Vermillion seconded the motion that the Commission award SCIMT the 2015 mountain goat auction license.

Commissioner Wolfe stated he appreciates the focus SCIGF has made on working with FWP on mountain goat restoration and projects.

Action on Motion: Motion Fails 2-2.

Chairman Vermillion and Commissioner Tourtlotte – aye
Vice-Chairman Stuker and Commissioner Wolfe – nay

Action: Commissioner Wolfe moved and Commissioner Tourtlotte seconded the motion that the Commission award the 2015 mule deer tag to the MDF, 2015 elk tag to RMEF and the 2015 bighorn sheep tag to WSF.

Action on Motion: Motion passed.

Chairman Vermillion asked if either SCI would be interested in the moose tag instead of the goat tag.

Vice-Chairman Stuker stated SCIMT is interested in the moose.

Commissioner Wolfe asked if DU has had any experience auctioning of major big game hunts.

Daugherty stated yes, last year was the first year for a draw trophy elk hunt in New Mexico, went for \$20,000.

Action: Commissioner Wolfe moved and Commissioner Vermillion seconded the motion that the Commission award the 2015 mountain goat tag to SCIGF and 2015 moose tag to SCIMT.

Commissioner Tourtlotte stated there are several organizations that have made good proposals; should not place two tags with SFI even though they are separate entities, essentially the dollars are going to the same parent organization.

Commissioner Wolfe stated the SCIMT would return 100% proceeds to FWP; SCIGF would return 90% and a portion of the 10%; with the auction of the two tags, there is no money other than direct cost of the auction that would be retained by either entity.

Action on Motion: Motion failed 2-2.

Chairman Vermillion and Commissioner Wolfe – aye
Vice-Chairman Stuker and Commissioner Tourtlotte – nay

Action: Commissioner Tourtlotte moved and Vice-Chairman Stuker seconded the motion that the Commission award the 2015 mountain goat tag to SCIGF.

Action on Motion: Motion passed.

Action: Commissioner Tourtlotte moved and Commissioner Vermillion seconded the motion that the Commission award the 2015 moose tag to DU.

Chairman Vermillion stated the Commission is in an unamenable task selecting a recipient for a tag between two great organizations; both are supportive of the state's conservation; the Commission appreciates everyone's participation in this process.

Action on Motion: Motion passed.

Vice-Chairman Stuker thanked all entities that put in a proposal; encourages everyone to apply again next year.

Chairman Vermillion recommended the different chapters of SCI worked together; puts the Commission in a tough spot to choose between different chapters of the same organizations even if they are independent.

14. 2014-2015 Bison Hunter Requirements and Roster Use – Final

Quentin Kujala, Wildlife Management Section Chief explained the bison hunting season structure was addressed during the biennial season setting in February. Two additional modifications are proposed out of experience and conversations with Tribal partners:

- Adjust the "cow/calf" roster to be the "bison" roster; this adjustment would expand flexibility for FWP to draw upon hunters from this list for potential harvest of any bison, to include bulls, if prescribed by FWP.
- To require successful hunters to disperse gut piles and other carcass parts. Dispersal of un-utilized bison parts is needed to address public concern over those materials next to high use roadways and homes and mitigate concentration of scavengers (eagles, crows, ravens magpies, coyotes, wolves, and bears). Proposed language reads as:

Hunters who harvest a bison shall, upon field dressing the carcass, cut open the rumen and remove and spread its vegetative contents.

Hunters who harvest a bison near a roadway or any other facility shall remove all unutilized parts of the carcass (entrails, tissues, bones, hides, fetuses, legs, etc.) to an area at least 200 yards from any roadway, dwelling, campground, designated trail or trailhead. These unutilized parts shall be placed in a manner as to be inconspicuous to passersby.

Action: Commissioner Tourtlotte moved and Commissioner Wolfe seconded the motion that the Commission adopt the final 2014 - 2015 Bison Hunter Requirements and Roster Use as presented by FWP.

Commissioner Wolfe stated he is in support of moving guts piles; there are a lot of home sites in this area; grizzly bears are coming out of hibernation; public safety issue.

Commissioner Tourtlotte concurs with Commissioner Wolfe's comments.

Action on Motion: Motion passed.

15. 2014 Late Season Migratory Bird Regulations – Proposed

Quentin Kujala, Wildlife Management Section Chief showed a power point presentation; explained for ducks, geese, swans, and coots Montana is in both the Central (CF) and Pacific (PF) Flyways and follows U. S. Fish and Wildlife Service (FWS) frameworks based on winter population status for geese and spring population and habitat for ducks. Adaptive duck seasons have three packages (restrictive, moderate, liberal); liberal frameworks are available in 2014. A proposed PF split season allows an additional hunting weekend; proposed CF zones and splits provide additional late opportunity; CF duck zone boundaries may not change until 2016; two additional blue-winged teal are allowed/day for the first 16 days of the CF duck season; PF scaup would end December 28 with a 3-bird limit. Proposed seasons are listed below.

Central Flyway

- **Youth Waterfowl Season:** September 27 - 28 (2 days - limits below apply)
 - **Duck, Coot, Goose, and Tundra Swan Seasons:**
 - Zone 2: Big Horn, Treasure, Rosebud, Custer, and Prairie Counties
 - Zone 1: The remainder of Montana's Central Flyway
 - **Ducks:** Daily bag limit shall be 6 ducks or mergansers, possession limit 3 times daily limit. Daily bag limit shall not include more than 5 mallards no more than 2 of which may be hens, 2 redheads, 2 hooded mergansers, 3 wood ducks, 2 pintails, and 1 canvasback. During the first 16 days of the regular duck season in both Zones (October 4 - 19), the daily bag may include 2 additional blue-winged teal
 - **Coots:** 15 daily, possession limit 3 times the daily limit
 - **Geese:** Dark- 5 daily; White - 20 daily; possession limit 3 times the daily limit for both dark and white
- **Duck, Coot, and Tundra Swan (500 permits only) Seasons:**
 - Zone 1: October 4 - January 8
 - Zone 2: October 4 - 19 and November 1 - January 20 (Zone 2 closed October 20 - 31)
- **Goose Season:**
 - Zone 1: October 4 - January 11 and January 17 - 21 (Zone 1 closed Jan. 12 - 16)
 - Zone 2: October 4 - October 19 and November 1 - January 28 (Zone 2 closed Oct. 20 - 31)
- **Falconry:**
 - Ducks and Coots:**
 - Zone 1: September 24 - January 8
 - Zone 2: September 24 - October 19 and November 1 - January 20.
 - Geese:**
 - Zone 1: October 4 - January 11 and Jan. 17 - 21; Zone 2: October 4 - 19 and November 1 - January 28.

Pacific Flyway

- **Youth Waterfowl Season:** September 27 - 28 (2 days - limits below apply)
- **Ducks and coots:** October 4 - January 11 and January 17 - 21 (105 days); closed January 12 - 16.
 - Ducks:** Daily bag limit shall be 7 ducks or mergansers, possession limit 3 times the daily limit. Daily bag limit shall not include more than 2 hen mallards, 2 pintails, 2 redheads, and 1 canvasback.
 - Coots:** 25 daily and in possession
- **Goose season:** October 4 - January 11 and January 17 - 21 (105 days); closed January 12 - 16.
 - Geese:**
 - Dark - 4 daily, possession limit 3 times the daily limit
 - White - 20 daily, possession limit 3 times the daily limit
- **Swan (500 permits only) Season:** October 11 - December 1

- **Falconry dates:**
Ducks, coots, and geese: October 4 - January 11 and January 17 - 21; closed January 12 - 16.

Public comment period will run through 5 p.m., Friday, August 22, with final adoption at the August 26 Commission meeting.

Chairman Vermillion asked if Carbon and Yellowstone County were excluded from Zone 2 for any particular reason.

Kujala explained the opportunity to adjust duck zones is not available until 2016; could potentially add a goose zone but would be adding complexity with ducks.

Chairman Vermillion stated it is consistent with the Commission's intent to increase opportunity later into the season to have a special Zone 2 for geese; recommends adding Carbon and Yellowstone County in Zone 2.

Commissioner Tourtlotte stated it would be difficult to enforce.

Action: Commissioner Tourtlotte moved and Commissioner Vermillion seconded the motion that the Commission adopt the proposed 2014 late season migratory bird regulations as presented by FWP and include Zone 2 for goose hunting in Carbon and Yellowstone County.

Vice-Chairman Stuker asked for public comment.

Chairman Vermillion thanked the Department for pushing this forward; sensible plan.

Action on Motion: Motion passed.

16. Annual Review & New Annual Work Plans for Elk Management Guidelines in Areas with Brucellosis – Proposed

Quentin Kujala, Wildlife Management Section Chief explained in January 2013, the Commission endorsed elk management recommendations from a citizen working group for application in areas with brucellosis, including the Designated Surveillance Area as described by the Montana Department of Livestock (DOL). The proposed 2015 annual work plan represents the third iteration and it builds upon the 2013 and 2014 plans and experience gained in their implementation. The proposed 2015 plan includes hazing, fencing, lethal removal of elk, habitat modifications and other efforts to adjust elk distribution to mitigate the risk of brucellosis transmission from elk to cattle; this proposal includes the potential for local work groups to propose modifications or additions to the 2015 plan at a later date with the Commission. A supplemental document contains the proposed 2015 annual plan and is available to the public from FWP (see file). Public comment will run through 5 p.m. Monday, September 8.

Action: Chairman Vermillion moved and Commissioner Wolfe seconded the motion that the Commission adopt the proposed 2015 annual work plan for elk management in areas with brucellosis as proposed by FWP.

Vice-Chairman Stuker asked for public comment.

Nick Gevock, Montana Wildlife Federation (MWF), sees improvement but still a lot of issues; very complicated.

Kathryn QannaYahu, Enhancing Montana's Wildlife and Habitat (EMWH), against proposal; environment review has never been conducted; has not been looked at as a scientific wildlife management perspective.

Glen Hockett, Gallatin Wildlife Association (GWA), concerned about many aspects of the proposal including legal issues; further environmental analysis and audits need to be done; against proposal.

JW Westman (LRGC), minor improvements but a lot of work still needs to be done; FWP needs to lead this issue not DOL; against proposal.

Chairman Vermillion asked if there is anything in the ESA that expands DOL authority over elk or elk management.

Kujala stated no, there is not.

Chairman Vermillion explained these are tools that the Department and landowners are asking for to use and have used sternly; asked sportsmen to have faith in the Department and Commission's ability to manage conservatively and recognize the need on behalf of landowners, for relief when high risk period is a problem.

Action on Motion: Motion passed.

Chairman Vermillion asked where the Department is in preparing the elk management work session for the October meeting.

Director Hagener stated it is still scheduled for October 15 or 16.

Chairman Vermillion excused himself from the meeting.

17. Right Of Way Easement Sale to Montana Department of Transportation along Hwy 569 on Mt. Haggin WMA - Final

Ken McDonald, Chief of Wildlife explained FWP proposes to exchange approximately 36 acres of the Mount Haggin WMA along Secondary Route 569 (S-569) to Montana Department of Transportation (MDT) in return for approximately 20 acres of the existing right-of-way that will be abandoned by MDT; MDT would pay FWP \$12,500 for the remaining value of the exchanged property. The highway design relocates the roadway upslope, out of the French Creek floodplain and associated wetland areas, which will benefit those habitats. MDT's project would reconstruct approximately 3.7 miles of roadway; the roadway would be offset approximately 30 feet from the present traveled way for the first mile, shifting to a new alignment for 2.7 miles, and then returning to existing alignment for the remaining 0.7 miles. Realignment and associated land exchange is necessary for MDT to correct substandard elements of the roadway. S-569 was constructed in 1941 and with the exception of routine maintenance and a seal and cover project, has not been reconstructed since. Mount Haggin WMA was purchased through the Land and Water Conservation Fund (LWCF) and administered by the National Park Service (NPS); this proposed exchange is also subject to NPS approval. An Environmental Assessment (EA) was completed for the proposed project by FWP and released for public comment on June 27; public comments were taken through July 11; legal notices were printed in the *Montana Standard* and the *Anaconda Leader*; posted on the FWP webpage; one party submitted a comment in support of the proposal.

Action: *Commissioner Wolfe moved and Vice-Chairman Stuker seconded the motion that the Commission approve the FWP-MDT land exchange on Mount Haggin WMA, contingent on National Park Service approval.*

Vice-Chairman Stuker asked for public comment.

Action on Motion: *Motion passed.*

18. Buffalo Coulee Conservation Easement – Final

Ken McDonald, Chief of Wildlife explained FWP proposes to purchase a perpetual conservation easement (CE) using Habitat Montana funds on 2,825 acres owned by Potter Brothers Farms in Valley County (referred to as Buffalo Coulee), consists of three separate parcels located within 15 miles of one another, northwest of Glasgow; consists of 2 miles of Milk River frontage and associated cottonwood bottoms, riparian habitats along two drainages that run through the property, and sagebrush grassland uplands, including primary antelope winter range. FWP would pay \$450,000 and also commit to cost sharing on grazing system infrastructure improvements and grass cover plantings, totaling approximately \$78,000. The purchase of this CE gives FWP the opportunity to work cooperatively with the Potter family to enhance and manage native habitats to benefit wildlife and agriculture; increase public recreation; protect healthy blocks of riparian and sagebrush habitats from habitat conversion; and support sustainable agriculture. The property provides the public with a number of recreational opportunities including: hunting, fishing and wildlife viewing. Management activities include development and implementation of a rest rotation grazing system, reseeded and restoration of permanent cover, and permanent protection of high value habitats. Public comment ran from October 17 - November 9, 2012; a public hearing was held in Glasgow on November 7, 2012 with nine people in attendance; a total of 16 comments were received, 15 of were in favor of FWP acquiring the CE, one comment was neutral and no comments opposed to this project.

Action: *Commissioner Wolfe moved and Vice-Chairman Stuker seconded the motion that the Commission approve the purchase of the Buffalo Coulee conservation easement from Potter Brothers Farms.*

Commissioner Wolfe stated in the future, when CE's or land acquisitions come forward to the Commission as final, to include the date it was initially endorsed by the Commission.

Vice-Chairman Stuker asked is there is a limit on access.

McDonald explained all easements include a public access component in accordance with the Management Plan.

Vice-Chairman Stuker asked for public comment.

Action on Motion: *Motion passed.*

18. Public Comment – For Issues Not On This Agenda

Zack Strong, Natural Resource and Defense Council (NRDC), thanked the Department and Commission for the time and work they have put into the wolf stamp proposal; many reasons to support proposal; many concerns are not based on reality; technical difficulties with submitting public comment.

Heather Chamberlin, Great Falls, concerned with the White Bear FAS; has turned into a uncontrolled access with excessive and illegal misuse; extreme erosion; requested the FAS be closed.

Baron Noble, Great Falls, would like to have White Bear FAS on the October agenda. (distributed hand outs and petition – see file)

Vice-Chairman Stuker stated he will speak with Director Hagener about including the FAS on a future agenda.

Dana Darko, Riverwood Villas Homeowners Association, Association donated the land for the FAS; initially it was good thing; rules are not followed; no management overlooking the FAS; liability issues.

Commissioner Wolfe asked how large the FAS is.

Darko stated it is a 20 acre site.

Gary Bertolotti, Region 4 Supervisor stated it is a 40 acre site; dense cover; cottonwood grove type habitat.

Todd Chamberlin, Great Falls, sound amplifies; people are there all hours of the day and night.

Nick Gevock, MWF, agrees with Zack Strong's wolf stamp comments; could lead to other funding options; people are willing to step up and help fund wolf management.

Marc Cooke, Wolves of the Rockies (WR), agrees with Nick Gevock and Zack Strong's comments; shares concerns with email glitch; need accurate numbers; all voices need to be heard. Delighted that Mr. Clevidence and Ms. Paul were appointed to the citizen advisory council; step in the right direction.

JW Westman, LRGC, wishes auction licenses would go away; need to step up efforts to procure fee title acquisitions and long term CE.

Commissioner Wolfe thanked the individuals from Great Falls for bringing White Bear FAS to the Commission's attention.

Action: Commissioner Wolfe moved and Commissioner Tourtlotte seconded the motion to adjourn the meeting. Motion Passed.

The meeting adjourned at 1:38 p.m.



Dan Vermillion, Chairman

M. Jeff Hagener, Director